IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITON NO.4500 OF 2005

Co-operative Bank Employees Union, Nashik .. Petitioner

v/s.

Assistant Registrar, Bombay Industrial Relations Act, 1946, Nashik & anr. .. Respondents

Mr.M.S.Topkar for the petitioner.

Mr.V.P.Vaidya for the respondent No.1.

Mr.N.Helekar i/by Mr.S.M.Dharap for the respondent No.2.

CORAM : SMT.NISHITA MHATRE, J.

DATED : 29th September, 2005

P.C.

The petition challenges the order of the Industrial Court, Nashik dated 20th June, 2005. This order has been passed in Appeal BIR No.3 of 1994.

2. The appeal was preferred by the respondent No.2 Nashik District Co-operative Bank Employees Union, Nashik against the order of the order of the Assistant Registrar of the Unions under the Bombay Relations Act, 1946 declaring that the petitioner-union viz. Co-operative Bank Employees Union, Nashik as the representative and approved union under the BIR Act. A perusal of the order of the Industrial Court indicates that the only reason for setting aside the order of the Assistant

Registrar is contained in para 21 of the order. The first 20 paragraphs are only a reproduction of the pleadings and the evidence. Para 21 does not in any manner, disclose the reasons why the Industrial Court has set aside the order of the Assistant Registrar and granted representative status to the respondent. The Industrial Court acting as an appellate court must assess the evidence and material before it and draw its own inferences. The Industrial Court, unfortunately, has not undertaken this exercise despite an earlier remand order of this Court. The Industrial Court is not justified in setting aside the order which has granted representative status to one union, in a haphazard manner, without disclosing the reasons for the same. I am of the view that the petition must be allowed and the appeal filed by the respondent should be remanded for afresh consideration.

3. The Industrial Court will consider the documents on record and other oral evidence and decide, after giving detailed reasons, as to whether the order of the Assistant Registrar should be set aside.

4. The petition is allowed. The appeal BIR No.3 of 1994 is remanded to the Industrial Court. The evidence has already been led in the matter. Therefore, the Industrial Court will hear the arguments and decide the matter on merits within a

period of three months from today.

(SMT.NISHITA MHATRE, J.)